



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2304656
Applicant Name: King County
Address of Proposal: 9310 Sand Point Way NE (Mathews Beach Pump Station)

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of 1,955 square foot pile supported electrical room, replacement of a transformer and replacement of the odor control unit enclosure. Project includes underground power installation through a riparian corridor. SEPA Determination of Nonsignificance was issued by King County.

The following approval is required:

SEPA - To impose conditions, Chapter 25.05, Seattle Municipal Code. DNS issued by the King County. *

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

 ☒ DNS involving non-exempt grading, or demolition,
 or involving another agency with jurisdiction.*

* Determination of Nonsignificance issued by the King County on January 21, 2003.

BACKGROUND DATA

Existing Conditions

The project site is located along the shoreline of Thornton Creek just east of Mathews Beach Park at 9310 Sand Point Way NE. The project site is a 79,279 square foot parcel located in a Single Family 5000 zone. The Thornton Creek riparian corridor is located over the southern, eastern, and southwestern portion of the site (approximately 50% of the site). Steep slopes are located on the northeastern portion of the site (approximately 5 % of the site). All but a small portion of the site is a designated fish and wildlife habitat conservation area (approximately 90% of the site).

The site consists of one building, support equipment outside the building, an asphalt driveway that runs three quarters of the way around the building and a parking lot. The building is Mathews Beach Park Sanitary Sewer Pump Station and has a foot print of 11,600 s.f. with a total square footage of 34,400 s.f. The remaining paved area on the site occupies an additional 17,400 s.f. The entire developed facility is enclosed within a fence. Thornton Creek is located south and southwest of the pump station. The existing building is located 56 feet from Thornton Creek at its closest point. The parking lot for the building is located 46-ft from Thornton Creek at its closest point. Lake Washington is located approximately 700 feet from the eastern property line.

The remaining area on the site consists of grass and mature vegetation. The dominant species are western red cedar, Douglas fir, western hemlock, Oregon ash, Japanese red pine, big leaf maple, quacking aspen, and grass.

Primary vehicle access to the site is provided from NE 93rd Street. Parking is located on the eastern portion of the building and portions of the existing parking lot and existing building are located within the 100-ft riparian corridor and a portion of the parking lot is located within the 50-ft of the Thornton Creek buffer.

The number of staff working at the Mathews Beach Park Pump Station (MBPPS) will not change following the new development. Staffing of the site is intermittent, depending on the operational needs of the County. Normally, the station is not staffed.

Proposal

King County is proposing a 1,955 square foot expansion of the existing building. The existing site work consists of filling and grading. Existing grades on site will be maintained. A new approximately 1,955 square foot electrical room is proposed on the south side of the MBPPS building and 337 s.f. of pavement that will be used to connect the new building to the existing building and connect the new building to the paved driveway and walkway. Excavation, primarily stripping of topsoil, of approximately 145 cubic yards and backfill of less than 25 c.y., is necessary to construct the new room. A 224 square foot concrete pad will be poured to support a transformer on the west side of the MBPPS building. Excavation of approximately 4 c.y. is necessary for slab support. A 120 square foot addition to the odor control unit support slab will be poured. An underground fuel tank will be installed; the excavation will be 23-ft long x 14-ft deep x 10 feet wide with approximately 120 cy of material excavated. Approximately 85 c.y. of material will be used to backfill the area, which will consist of approximately 75 c.y. of native soil and approximately 10 c.y. of imported gravel.

Construction of the building expansion and the transformer platform will increase the lot coverage by approximately 3 percent. The existing building structure occupies approximately 15 percent of the site. The total lot coverage with the additional building and accessory structures will be approximately 18 percent. The allowable lot coverage is 35 percent therefore this project meets the lot coverage requirement for this zone. The total impervious surface at the site is approximately 29,000 s.f. The proposed project will add an additional 2,816 s.f. of impervious surface to the site equaling 31,816 s.f. or 40 percent of the site.

Lawn area and trees will be removed or altered as part of the MBPPS development. The area that is currently covered with lawn that is within the 50-ft riparian buffer will be restored with native vegetation and area within the riparian buffer will be enhanced with native vegetation and non-native vegetation will be removed. A total of 4,000 s.f. of the 50-ft riparian buffer will be restored and enhanced. Additionally, 800 s.f. of lawn that is within the 100-ft riparian corridor and fish and wildlife habitat conservation area will be planted with native vegetation.

The new pumps installed will be equipped with variable frequency pump drives that will use less energy than the existing pump drives. Peak electrical demand will be reduced.

Public Comment

No comment letters were received during the comment period for the Master Use Permit application, which ended August 27, 2003.

ECA ANALYSIS

The proposal as submitted proposes to install a power line through a portion of the riparian corridor on site. The area of riparian corridor that will be temporarily impacted is 4 feet wide and 40 feet long (160 s.f.). Vegetation in this area consists of western red cedar, western hemlock, crab apple, grass and ornamental landscaping. After installation of the power line this area of the riparian corridor will be restored with native vegetation. Additionally an approximate area of 4,800 square feet portion of the 100-ft riparian corridor buffer and fish and wildlife habitat conservation area will be enhanced and restored with native vegetation.

The development standards for Riparian Corridors in the City's Environmentally Critical Areas (ECA) Ordinance allows for reduction in the buffer per SMC 25.09.140 E 2. Riparian corridor buffers may be modified when the modification is accompanied by restoration of the riparian corridor buffer. Because this project will include minimum disturbance of the riparian corridor (4 feet wide by 40 feet long) and this area of the riparian corridor will be restored plus an additional 4,800 square feet of the riparian corridor and buffer will be restored and enhanced, this project meets the development standards for Riparian Corridors in Chapter 25.09.140 of the SMC.

Additionally this site is within the Fish and Wildlife Habitat Conservation area the restoration and enhancement of the 4,800 s.f. area will meet the requirement of SMC 25.09.200.

DECISION

The Director approves the work proposed in the ECA. See conditions at the end of this report.

ANALYSIS - SEPA

Environmental impacts of the proposal have been analyzed in the environmental documents prepared by King County as the Lead Agency. King County completed their SEPA checklist on January 16, 2003 and issued a Determination of Non-Significance on January 21, 2003.

Seattle Municipal Code (SMC) Section 25.05.660 provides that proposals can be conditioned or denied in order to mitigate environmental impacts. All conditions must be related to impacts identified in the environmental documents, which include; the SEPA checklist and project plans; based on adopted policies, and be reasonable and capable of being accomplished. This proposal is reviewed under that substantive SEPA authority. Disclosure of the potential impacts from this project was made in the environmental documents listed above. This information, supplemental information provided by the applicant and the experience of this agency with review of similar projects form the basis for this analysis and conditioning.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: increased soil erosion from earth moving activities (380 c.y. of earth is proposed to be moved with building construction and site modifications); decreased air quality due to hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential impacts to riparian corridors; increase in impervious surfaces; loss of vegetation; impacts to fish and wildlife habitat; and increased noise during construction. These impacts are adverse and, in some cases, mitigation is warranted.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates new development and land-disturbing activities and requires best management practices (BMPs) be used to accomplish the following: erosion control to reduce the transport of sediment from the site the control of the introduction of contaminants and pollutants, and reduction and treatment of contaminants in City systems. Appropriate BMPs include mulching, matting and/or the use of silt fences; permanent stabilization of exposed soils that are not being actively used by the installing permanent vegetative cover and/or installing slope protective materials; and by the regular cleaning of catch basins, establishing truck loading and unloading and heavy equipment areas, sweeping, and maintaining erosion control protective features.

An erosion/sediment control plan is required for development and for the riparian corridor and fish and wildlife habitat conservation area revegetation and enhancement. The Small Project

Construction Stormwater Control Plan, which is a prescriptive plan developed by Department of Planning and Development for small projects (less than 5000 s.f. of new or replaced impervious surface) can be used for the all of the proposed development except the underground tank excavation and installation. The appropriate methods for controlling erosions and sediment should include: stabilization of exposed soils and sediment trapping; delineation of limits on clearing; protection of adjacent property; appropriate timing and stabilization of sediment trapping measures; minimization of erosion on cut-and-fill slopes; control of off-site erosion; protection of storm drain inlets; minimization of transport of sediment by construction vehicles; appropriate timing for removal of temporary best management practices; and inspection and maintenance of best management practices for erosion/sediment control to insure functioning at design capacity.

The Environmental Critical Areas Ordinance (ECA) regulates development on or near environmental critical areas. The ECA requires that riparian buffer areas be fenced with a highly visible and durable protective barrier during construction to prevent access and protect environmentally critical areas. Construction activity shall adhere to a prepared schedule and mitigation plan approved by the Director prior to the start of construction. This schedule and mitigation plan shall include, but not be limited to, a schedule for compliance with project conditions, limits of construction and work activities, equipment to be used, start and duration of each phase, work sequencing, and shall include the design, implementation, maintenance, and monitoring of mitigation requirements to prevent erosion, siltation, and destruction of vegetation. The plan shall be reviewed with the owner's representative and approved by the Director at a preconstruction meeting prior to the start of construction.

King County's environmental documents provide one additional mitigation measure for short-term impacts. The excavated earth will be re-used on site if the material excavated is appropriate to be used for the fill required.

In addition, compliance with the Building Code which regulates construction measures in general; the Energy Code which requires energy conservation measures; the Noise Ordinance which regulates construction noise; and, Puget Sound Clean Air Agency (PSCAA) requirements which regulate air quality impacts will reduce or eliminate short-term impacts to the environment to the extent that they will be sufficient without conditioning pursuant to SEPA policies.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal and include an increase in impervious area in a designated fish and wildlife habitat conservation area. A total of 2,816 s.f. of additional impervious surface will be added to the site of which this additional impervious surface is entirely within the fish and wildlife habitat conservation area. To offset this impact in addition to the 4,000 s.f. of riparian corridor that will be enhanced and restored, an additional 800 s.f. of the site that is currently grass will be planted with native vegetation.

Drainage

It is the City's policy to protect wetland, riparian corridors, lakes, drainage basins, wildlife habitat, slopes, and other property from adverse drainage impact. The existing roof area will increase from 11,600 square feet to 13,555 square feet, the other impervious surface will increase from 17,400 square feet to 18,261 square feet. Thus, the proposal will increase the overall impervious area by approximately 2,861 square feet.

Proposed storm water management is to install a stormwater planter per Chapter 22.800 of the Stormwater, Grading and Drainage Control Code, Volume 3: Flow Control Technical Requirements Manual. This flow control feature will be 173 square feet and will be designed to treat 3,000 square feet of impervious surface.

Roofing materials used in building construction have the potential to leach heavy metals and organic compounds when exposed to water during storm events. The roofing material used for the new building shall have minimal to no leaching. Manufacturers of two types of roofing material (polymer-coated galvanized metal and EPDM, a synthetic rubber – terpolymer of ethylene, propylene, and diene membrane), have indicated that little or no chemicals leach from their roofing materials during rain events.

Plants and Animals

In March of 1999, the National Marine Fisheries Service (NMFS) listed Puget Sound chinook salmon as threatened under the Endangered Species Act (ESA). NMFS has also designated coho salmon as a candidate species, and the US Fish and Wildlife Service (USFWS) has listed bull trout as threatened under ESA. Under the City of Seattle's Environmental Policies and Procedures 25.05.675 N (2) it states in part: *A high priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals.* Chinook salmon are known to occur in Thornton Creek. The project site serves as a migration corridor as well as rearing area for juvenile chinook salmon.

The riparian corridor restoration and enhancement plan will help to improve habitat in the reach of Thornton Creek that flows through this property. Additionally, this restoration and enhancement work will also improve the habitat for urban wildlife, which inhabit this area because of its adjacency to Thornton Creek and Mathews Beach Park.

Historic Preservation

a. It is the City's policy to maintain and preserve significant historic sites and structures and to provide the opportunity for analysis of archaeological sites. (SMC 25.05.675 H.2a.)

e. On sites with potential archeological significance, the decisionmaker may require an assessment of the archaeological potential of the site. Subject to the criteria of the Overview Policy set forth in SMC Section 23.05. 665, mitigating measures which may be required to mitigate adverse impact to an archeological site include, but are not limited to:

- i. Relocation of the project on the site;
- ii. Providing markers, plaques, or recognition of discovery;
- iii. Imposing a delay of as much as ninety (90) days (or more than ninety (90) days for extraordinary circumstances) to allow archaeological artifacts and information to be analyzed; and
- iv. Excavation and recovery of artifacts (SMC 25.05.675 H.2e).

In order to implement the intent of the above SEPA language, an assessment of the site's probable archaeological significance will be required for any proposal which includes excavation located within 200 feet of the US Government Meander line or in other areas where information suggests the potential for archeologically significant resources.

The following information, at a minimum, shall be provided in the SEPA checklist:

- Proposed level of excavation and its relationship to the historical substrata.
- Results of research of relevant literature on the site and environs. Appropriate literature citations shall be provided using the attached bibliography and/or other appropriate resources as reference.
- Results of conversations or copies of written correspondence with the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAH) (address and phone at end of Director's Rule) to determine whether the site is a known archaeologically significant site.

This project is located within the 200 feet of the US Government Meander line. Excavation will occur at this site for the proposed work. King County contacted the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation. The Assistant State Archaeologist deferred the determination on potential cultural/archaeological artifacts at the MBPPS site to staff at the King County Historic Preservation Program. Based on the proposed project and the site conditions the King County archaeologist has determined that conditions are appropriate to ensure that SEPA policies are met. Conditions for this project are listed below under the SEPA Conditions section.

NONAPPEALABLE ECA CONDITIONS

Prior to Issuance of Building Permit.

1. An ECA native vegetation planting, enhancement and monitoring plan shall be provided with the building permit submittal. Monitoring shall be required to ensure 80% survival of the vegetation planted per this plan. The ECA native vegetation planting shall include 4,000 s.f. of restoration and enhancement of the existing 50-ft Riparian Corridor Buffer/Fish and Wildlife Habitat Conservation Area and 800 s.f. of restoration of the 100-ft Riparian Corridor/Fish and Wildlife Habitat Conservation Area that is currently lawn.
2. The Small Project Construction Stormwater Control Plan prescriptive planset or an erosion control plan developed by a licensed civil engineer, shall be submitted for the proposed work with the building permit submittal.

Prior to the Start of Construction

2. A preconstruction meeting shall be required as outlined in SMC 25.09.060C.11.

3. Construction fencing with a highly visible and durable protective barrier shall be erected along the riparian corridor buffer adjacent to land disturbing activities.

During Construction

1. All area within the 50-ft Riparian Corridor Buffer shall be planted with native vegetation according to the planting and monitoring plan prepared for this project.
2. An additional 800 square feet of land that is currently lawn that is within the 100-ft Riparian Corridor and within the designated Fish and Wildlife Habitat Conservation Area shall be planted with native vegetation, including trees, shrubs, and ground cover.

SEPA CONDITIONS

Prior to Issuance of Building Permit

The applicant and/or responsible party shall:

1. Parties shall provide DPD with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. An archeologist shall be on-site to monitor excavation below the fill material (fill material is to a depth of approximately 8-ft). This includes monitoring the excavation required for the underground storage tank.
2. Independent of the presence of an archeologist at the site, if resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - Stop work immediately and notify DPD (Margaret Glowacki, (206) 386-4036) and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHp). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.

- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.
3. Storm water facilities (i.e., stormwater planter box, bioswale, catch basins, and storage) for temporary control of runoff and dewatering during construction as well as permanent controls shall be provided per code.
 4. Install a stormwater planter per plans and Chapter 22.800 of the Stormwater, Grading and Drainage Control Code, Volume 3: Flow Control Technical Requirements Manual to mitigate the impacts of increased stormwater runoff that will be created by the increased. This stormwater planter shall be 173 square feet and will be designed to treat 3,000 square feet of impervious surface.
 5. Efforts will be made to re-use the excavated earth from construction projects for the filling proposed at the project site.

Signature: (signature on file) Date: January 12, 2004

Margaret Glowacki, Land Use Planner
Department of Planning and Development

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